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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,263	12/07/1999	JUSSI RUUTU	297-009078-U	6196

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EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 04/07/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

File

Office Action Summary	Application No. 09/456,263	Applicant(s) RUUTU ET AL.	
	Examiner Courtney D. Fields	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some c) ☐ None of:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 02 February 2004 have been fully considered but they are not persuasive.
2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection, Ghani et al U.S. Patent No. 6,160,793.

DETAILED ACTION

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vidrascu et al. in view of Ghani et al. U.S. Patent No. 6,160,793. As per claims 1-5 and 11, Vidrascu et al. discloses a method for processing IP traffic within a TCP header. For each message, at least a part of the TCP header is encrypted at the same time as the "data" part of the message without encrypting the "header" part of the message. This will enable the transmission of the message according to the IP protocol, and if the headers are not encrypted, processing including "acknowledgements" are placed into the header to indicate processing. (See Column 12, lines 1-20, Figures 9 and 12). However, Vidrascu et al. does not explicitly disclose an indication on which processing is based into the header of a datagram. As per claim 1, Ghani et al. discloses a method

indicating congestion within a network by using explicit congestion notification bits. ECN bits are placed within the IP header. The TCP header provides acknowledgments to the IP datagram for detecting lost data packets. During the IP protocol processing, congested network routers set the ECN bits in the IP headers. The bits are echoed back to the source by returning ACK packets. Upon receiving TCP ACK packets, this will indicate to the IP datagram, the performance of data traffic over the network. (See Column 6, lines 26-56, and Figure 4)

Therefore it would have obvious to a person having ordinary skill in the art at the time the invention was made to modify Vidrascu et al.'s method of enciphering messages using IP and TCP protocols by combining Ghani et al.'s method for reducing congestion in networks. This will enhance the performance of IP data traffic over networks without requiring reconstructing packets. (See Ghani et al. in Column 3, lines 51-54)

As per claim 6, Vidrascu et al. as modified, discloses a means for having a window size field within a TCP header in Figure 10.

As per claim 7, Vidrascu et al. as modified, discloses a means for having an options field within the IPv4 header in Figure 9.

As per claims 8-10, Vidrascu et al. as modified, discloses a means for having a header comprising: a source port used for sending the IP traffic, a destination port used for receiving the IP traffic and a length field used for specifying the length of the extension header in Figure 11.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 703-305-8293. The examiner can normally be reached on Mon - Thu 7:00 - 5:00 pm; off every Fri.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



cdf

March 31, 2004


MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137